U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 1998-00360 PROJECT LOCATION INFORMATION: New York State: County: Suffolk Center coordinates of site (latitude/longitude): lat:40-40-14.7720 lon:73-21-20.1960 Approximate size of area (parcel) reviewed, including uplands: 7 acres. Name of nearest waterway: Neguntatogue Creek Name of watershed: GREAT SOUTH BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: April 18, 2006 Site visit(s) **[**] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, there appear to be "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairic potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply); [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Negutatogue Creek is tidally influenced and is a navigable water of the United States.

[] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

	[] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other: [] Ordinary High Water Mark indicated by: [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
-	[X] Mean High Water Mark indicated by: [X] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). [] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Other (explain):
DATA	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): [X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [] Data sheets prepared/submitted by or on behalf of the applicant. [] This office coneurs with the delineation report, dated, prepared by (company): [] This office does not concur with the delineation report, dated, prepared by (company): [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] USDA Natural Resources Conservation Service Soil Survey: [] National wetlands inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Acrial Photographs (Name & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):

Wetlands are identified and delincated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2001-01379

PROJECT LOCATION INFORMATION:

State: New York County: Putnam

Center coordinates of site (latitude/longitude): lat:41-24-53.9280 lon:73-37-8.0760

Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Tonetta Brook

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): October 20, 2005

Jurisdictional Determination (JD):

$\lfloor \rfloor$	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

[X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

- [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acres.
- [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are eurrently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which arc or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include a portion of Tonetta Brook, which flows to the East Branch Croton River, which flows to the Hudson River, which is navigable.

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X]	Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[X] changes in the character of soil	[] physical markings/characteristics
	X] destruction of terrestrial vegetation	[] tidal gages
	shelving	[] other:
		[] ottler.
] other:	
r 2 1	A TP. S. ISI A. B. R. D. C. P. A. L.D.	
	Mean High Water Mark indicated by:	
Į] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.
ſ¥1	Wetland houndaries as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
[,,]	Trending boundaries, as shown on the attached wen	and defineation map and of it a defineation report prepared by.
Bas	is For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Jnable to eonfirm the presence of waters in 33 CFR	part 328(a)(1 2 or 4-7)
	leadquarters declined to approve jurisdiction on the	
		oat the following waters present on the site are not Waters of
	he United States:	at the following waters present on the site are not waters of
		-1 (22 OFD 220 2
	Waste treatment systems, including treatment por	
	Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	retain water and which are used exclusively for s	uch purposes as stock watering, irrigation, settling basins, or
	rice growing.	
[] Artificial reflecting or swimming pools or other :	small ornamental bodies of water created
	by excavating and/or diking dry land to retain wa	ater for primarily aesthetic reasons.
Г		ental to construction activity and pits excavated in dry land for
-		ss and until the eonstruction or excavation operation is
		the definition of waters of the United States found at 33 CFR
	328.3(a).	the definition of waters of the clined states found at 35 CTR
г	Isolated, intrastate wetland with no nexus to inter	estata anmmaroa
		atural Resources Conservation Service. Explain rationale:
] Non-tidal drainage or irrigation ditches excavated	on dry land. Explain rationals:
l] Other (explain):	
DATA	REVIEWED FOR JURISDICTIONAL DETERM	(INATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf	• • • • • • • • • • • • • • • • • • • •
	Data sheets prepared/submitted by or on behalf of t	
	This office concurs with the delineation report, d	
_	This office does not concur with the delineation in	
_	Pata sheets prepared by the Corps.	cport, dated , prepared by (company).
	Corps' navigable waters' studies:	
	J.S. Geological Survey Hydrologic Atlas:	2
	U.S. Geological Survey 7.5 Minute Topographic ma	
	J.S. Geological Survey 7.5 Minute Historic quadran	
[] t	J.S. Geological Survey 15 Minute Historic quadrang	eles:
[X]	USDA Natural Resources Conservation Service Soil	Survey: Putnam County, NY
[X]	National wetlands inventory maps: Brewster, NY-Co	ONN
ίχi	State/Local wetland inventory maps: Brewster, NY-	CONN
	EMA/FIRM maps (Map Name & Date):	
	00-year Floodplain Elevation is: (NGVD)	
	crial Photographs (Name & Date):	
	Other photographs (Date):	
	dvanced Identification Wetland maps:	
	10 · · · · · · · · · · · · · · · · · · ·	1006
[X]	Site visit/determination conducted on: October 20, 2	2005
[X] [] A	Site visit/determination conducted on: October 20, 1 .pplicable/supporting ease law: Other information (please specify):	2005

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, eontiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-00119 PROJECT LOCATION INFORMATION: State: New York County: Sullivan Center coordinates of site (latitude/longitude): lat:41-38-14.4960 lon:74-39-32.5080 Approximate size of area (parcel) reviewed, including uplands: 92 acres. Name of nearest waterway: Neversink River Name of watershed: DELAWARE RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination Γ1 Site visit(s) [X] Date(s): April 14, 2003 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 9.44 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstare or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions,

[] (i) which are or eould be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

including why the waterbody is navigable and/or haw the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The jurisdictional areas located on site include an unnamed tributary and associated wetlands to Tannery Brook. Tannery Brook is a tributary to Kiamesha Creek, which diseharges to Sheldrake Stream. Sheldrake Stream is a tributary to the Neversink River. Additional wetlands located on site are associated with an unnamed tributary to the Neversink River. The Neversink River is a tributary to the Delaware River.

Lateral Extent of Jurisdiction: (I		•
[X] Ordinary High Water Mark ind [X] clear, natural line impresse	_	[] High Tide Line indicated by: [] oil or seum line along shore objects
[] the presence of litter and de		[] fine shell or debris deposits (foreshore)
[] changes in the character of		[] physical markings/characteristics
[] destruction of terrestrial veg		[] tidal gages
shelving		[] other:
[] other:		
[] Mean High Water Mark indicat [] survey to available datum;		ings; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown	on the attached we	vetland delineation map and/or in a delineation report prepared by
Basis For Not Asserting Jurisdict	ion:	
[] The reviewed area consists enti		
[] Unable to confirm the presence		
		the basis of 33 CFR part 328.3(a)(3).
the United States:	ecitic determination	on that the following waters present on the site are not Waters of
[] Waste treatment systems, inc	cluding treatment p	ponds or lagoons, pursuant to 33 CFR part 328.3.
		t to upland if the irrigation ceased.
		ng and/or diking dry land to collect and
retain water and which are united growing.	ised exclusively for	or such purposes as stock watering, irrigation, settling basins, or
	ming pools or othe	er small ornamental bodies of water created
		water for primarily aesthetic reasons.
the purpose of obtaining fill	, sand, or gravel ur	neidental to construction activity and pits exeavated in dry land founders and until the construction or exeavation operation is
328.3(a).	body of water med	eets the definition of waters of the United States found at 33 CFR
[X] Isolated, intrastate wetland	with no nexus to it	interstate commerce.
		e Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigat [] Other (explain):	ion ditches excavat	ated on dry land. Explain rationale:
DATA REVIEWED FOR JURISDIC	CTIONAL DETER	RMINATION (mark all that apply):
[X] Maps, plans, plots or plat subm		
[X] Data sheets prepared/submitted		
		rt, dated August 2002, prepared by (eompany): Malcolm Pirnie
[] This office does not concur [] Data sheets prepared by the Cor		on report, dated , prepared by (company):
[] Corps' navigable waters' studies		
[] U.S. Geological Survey Hydrok		
[X] U.S. Geological Survey 7.5 Mi		maps:Monticello
[] U.S. Geological Survey 7.5 Mir		
[] U.S. Geological Survey 15 Min		
[] USDA Natural Resources Conse		oil Survey:
[] National wetlands inventory ma		
[] State/Local wetland inventory n [] FEMA/FIRM maps (Map Name	•	
[] 100-year Floodplain Elevation i		
[] Aerial Photographs (Name & D	·	
[X] Other photographs (Date):	*	
[] Advanced Identification Wetlan	d maps:	
[X] Site visit/determination conduc	ted on:April 14, 20	2003
[] Applicable/supporting case law:	G >	
[] Other information (please specif	ί y) :	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2003-00251

	PROJECT	LOCATION	INFORMATION:
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State: New York
County: Dutchess

Center coordinates of site (latitude/longitude): lat:41-34-0.0120 lon:73-48-0.0000

Approximate size of area (parcel) reviewed, including uplands: 28.1 acres.

Name of nearest waterway: Unnamed Tributary

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

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u			п	u		и	,		•		u	u		٩,		ч		и	P.a		г.		•	u	ı	1.	L.	٠.	ч	·				ı L	•

Completed: Desktop	determination	[]	Date:
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Site visit(s) [X] Date(s): July 1, 2003

Jurisdictional	Determination	(JD)	ı.

[] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appear (Reference 33 CFR part 331).	ılable
[X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .	
[X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 9 acres.	
[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.	

[] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands!.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or eould be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on is site are associated with an unnamed tributary to Fishkill Creek. Fishkill Creek is a tributary to the Hudson River.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	[X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank [] oil or scum line along shore objects
	[X] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[X] changes in the character of soil [] physical markings/characteristics
	[] destruction of terrestrial vegetation [] tidal gages
	[] shelving [] other:
	[] other:
	Mean High Water Mark indicated by:
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Ecological Solutions, LLC
	Basis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
] The Corps has made a case-specific determination that the following waters present on the site are not Waters of
	the United States:
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[] Isolated, intrastate wetland with no nexus to interstate commerce.
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	[] Other (explain):
D.A	TA DEVIEWED FOR HIDIORICTIONAL DETERMINATION (month all that applic).
	TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): X] Maps, plans, plots or plat submitted by or on behalf of the applicant:
	X] Data sheets prepared/submitted by or on behalf of the applicant.
J	[X] This office concurs with the delineation report, dated December 2002, prepared by (company): Ecological Solutions,
1	LC
	[] This office does not concur with the delineation report, dated , prepared by (company):
[Data sheets prepared by the Corps.
(Corps' navigable waters' studies:
] U.S. Geological Survey Hydrologic Atlas:
	X] U.S. Geological Survey 7.5 Minute Topographic maps:Hopewell Junction
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conscrvation Service Soil Survey:
	National wetlands inventory maps:
	State/Local wetland inventory maps:
] FEMA/FIRM maps (Map Name & Date):
] 100-year Floodplain Elevation is: (NGVD)
] Aerial Photographs (Name & Date):
	X] Other photographs (Date):
] Advanced Identification Wetland maps: X] Site visit/determination conducted on:July 1, 2003
	A Applicable/supporting case law:
	Other information (please specify):
·	w the first term of the first

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87

Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

2The term "adjacent" means bordering, contiguous, or neighboring. Wetlands scparated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01286 PROJECT LOCATION INFORMATION: State: New York County: Bronx Center coordinates of site (latitude/longitude): lat:40-49-30.0000 lon:73-55-58.0080 Approximate size of area (parcel) reviewed, including uplands: 4 acres. Name of nearest waterway: Harlem River Name of watershed: East River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit(s) [X] Date(s): April 27, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2 Acres. [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹... [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

[] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

The Harlem River is subject to the ebb and flow of the tide and is therefore a navigable waterway.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR p [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	parts 328 and 329) [X] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [X] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [X] physical marking	s; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetlan	nd delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment pon [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating a retain water and which are used exclusively for strice growing. [] Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain wa [] Water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to interpretations.	basis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of the or lagoons, pursuant to 33 CFR part 328.3. The upland if the irrigation ceased. The purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created atter for primarily aesthetic reasons. The ental to construction activity and pits excavated in dry land for ss and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR state commerce. State commerce. State commerce.
[X] Maps, plans, plots or plat submitted by or on behalf [] Data sheets prepared/submitted by or on behalf of the [] This office concurs with the delineation report, da [] This office does not concur with the delineation r [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey 7.5 Minute Topographic map [] U.S. Geological Survey 7.5 Minute Historic quadrang [] U.S. Geological Survey 15 Minute Historic quadrang [] U.S. Geological Survey 15 Minute Historic quadrang [] USDA Natural Resources Conservation Service Soil S [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Namc & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [X] Site visit/determination conducted on: April 27, 200- [] Applicable/supporting case law: [] Other information (please specify):	of the applicant. e applicant. ated , prepared by (company): report, dated , prepared by (company): os: gles: dles: Survey:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00803 PROJECT LOCATION INFORMATION: State: New York County: Orange Center coordinates of site (latitude/longitude): lat:41-25-56.4240 lon:74-12-54.9360 Approximate size of area (pareel) reviewed, including uplands: 47.95 acres. Name of nearest waterway: Unnamed Tributary to Cromline Creek Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Site visit(s) Date(s): September 29, 2004 [X] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.78 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the usc, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Waters on site include streams which are

unnamed tributaries to Cromline Crock, which flows to Moodna Creek, which flows to the Hudson River, which is navigable.

[X] (7) The presence of wetlands adjacent? to other waters of the US, except for those wetlands adjacent to other wetlands.

[1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Ĺ	ateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328	aud 329)
[.	K] Ordinary High Water Mark indicated by:	[] High	Tide Line indicated by:
	[X] clear, natural line impressed on the bank		[] oil or seum line along shore objects
	[X] the presence of litter and debris		[] fine shell or debris deposits (foreshore)
	[X] changes in the character of soil		[] physical markings/characteristics
	[X] destruction of terrestrial vegetation	[] tidal	
	[] shelving	[] other	
		[] otilei	•
	[] other:		
г] Mean High Water Mark indicated by:		
L	[] survey to available datum; [] physical markings	e: Elwan	station lines/shanges in vegetation types
	[] survey to available datum; [] physical markings	s, [] vege	ration lines/changes in vegetation types.
[2	[3] Wetland boundaries, as shown on the attached wetl	and deline	ation map and/or in a delineation report prepared by:
В	asis For Not Asserting Jurisdiction:		
	The reviewed area consists entirely of uplands.		
	Unable to confirm the presence of waters in 33 CFR	C part 3280	a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the		
	[] The Corps has made a case-specific determination (
L	the United States:	mat the ro	nowing waters present on the site are not waters of
	[] Waste treatment systems, including treatment por	nds or lage	oons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to		
	[] Arrificial lakes and ponds created by excavating		
			ses as stock watering, irrigation, settling basins, or
	rice growing.		and an arrange of the state of the stat
	[] Artificial reflecting or swimming pools or other	small orna	mental bodies of water created
	by excavating and/or diking dry land to retain wa		
			onstruction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unle		
			tion of waters of the United States found at 33 CFR
	[X] Isolated, intrastate wetland with no nexus to inte	erstate com	nmerce.
	[] Prior converted cropland, as determined by the N		
	Non-tidal drainage or irrigation ditches exeavated		
	[] Other (explain):	2 On ary 14	ind. Explain factorials.
	[] Cincle (Chiphann).		
DAT	A REVIEWED FOR JURISDICTIONAL DETERM	INATIO	s (mark all that apply):
	[] Maps, plans, plots or plat submitted by or on behalt		
	Data sheets prepared/submitted by or on behalf of t		
L	[] This office concurs with the delineation report, d		prepared by (company):
	[] This office does not concur with the delineation:		
г	Data sheets prepared by the Corps.	report, cat	, prepared by (company).
	Corps' navigable waters' studies:		
	U.S. Geological Survey Hydrologic Atlas:		
	U.S. Geological Survey 7.5 Minute Topographic ma	201	
			hroal NIV
	[] U.S. Geological Survey 7.5 Minute Historic quadran		Orook, NY
	U.S. Geological Survey 15 Minute Historic quadrang		Dung no Count NIV
	USDA Natural Resources Conservation Service Soil	Survey: C	Grange County, NY
	[] National wetlands inventory maps: Maybrook, NY	7	
	[] State/Local wetland inventory maps: Maybrook, NY	<i>!</i>	
	FEMA/FIRM maps (Map Name & Date):		
	100-year Floodplain Elevation is: (NGVD)		
	Aerial Photographs (Name & Date):		
] Other photographs (Date):		
	Advanced Identification Wetland maps:		
	[] Site visit/determination conducted on: September 29	9, 2004	
	Applicable/supporting case law:		
[Other information (please specify):		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-01253

DD.	OIECT	LOCAT	ION	INFOR	MAT	ION.
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State: New York County: Dutehess

Center coordinates of site (latitude/longitude): lat:41-34-54.0120 lon:73-53-48.0120

Approximate size of area (parcel) reviewed, including uplands: 5.08 acres. Name of nearest waterway: Unnamed Tributary to Wappinger Creek

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

H	11	21	IS	D	'n	\mathbf{C}	ГΙ	C	'n	V	A	I.	П	i	EΊ	Γ	F.	R	1	V	M	П	V	A	ď	r	I	n	ı	۱

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): November 23, 2004

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.42 acros.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be suseeptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which arc or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include an intermittent, unnamed tributary to Wappinger Creek, which flows to the Hudson River, which is navigable.

[X] Ordinary High Wa		-	Tide Line indicated by:	
[X] the presence of	ne impressed on the bank litter and debris		[] oil or scum line along shore objects [] fine shell or debris deposits (foreshore)	
[X] changes in the c			[] physical markings/characteristics	
[] destruction of ter	restrial vegetation	[] tidal		
[] shelving		[] other	r:	
[] other:				
[] Mean High Water M [] survey to availab		.gs; [] vege	etation lines/changes in vegetation types.	
[X] Wetland boundaries	s, as shown on the attached we	tland deline	eation map and/or in a delineation report prepared by	/:
Basis For Not Asserting				
	onsists entirely of uplands.			
	he presence of waters in 33 CF			
	ed to approve jurisdiction on the		ollowing waters present on the site are not Waters of	
the United States:	o a case specific determination		moving waters present on the site are not waters of	
			oons, pursuant to 33 CFR part 328.3.	
	ted areas, which would revert			
	nd ponds created by excavating		king dry land to collect and oses as stock watering, irrigation, settling basins, or	
rice growing.	which are used exclusively lor	such purpo	ises as stock watering, irrigation, settling basins, or	
	ng or swimming pools or other	r small orna	amental bodies of water created	
	d/or diking dry land to retain v			
			construction activity and pits excavated in dry land for	ÞΓ
			til the construction or excavation operation is lition of waters of the United States found at 33 CFR	
	te wetland with no nexus to in			
			sources Conservation Service. Explain rationale:	
[] Non-tidal drainag	ge or irrigation ditches excavate	ed on dry la	and. Explain rationale:	
[]				
DATA REVIEWED FOR	JURISDICTIONAL DETER	MINATIO	N (mark all that apply):	
	or plat submitted by or on beha			
	/submitted by or on behalf of our or with the delineation report,		nt. , prepared by (company):	
	not concur with the delineation			
[] Data sheets prepared			, p p	
[] Corps' navigable wa				
[] U.S. Geological Surv		317	· F.H. ANI	
	rvey 7.5 Minute Topographic n vey 7.5 Minute Historic quadra		ongers rails, NY	
.,	vey 7.5 Minute Historic quadrar vey 15 Minute Historic quadrar	-		
	urces Conservation Service Soi			
[] National wetlands in				
[] State/Local wetland				
[] FEMA/FIRM maps ([] 100-year Floodplain				
[] Aerial Photographs (
[] Other photographs (I				
[] Advanced Identificat	ion Wetland maps:			
	tion conducted on: November 2	23, 2004		
[] Applicable/supporting				
[] Other information (p	rease specify):			

¹Wetlands are identified and delineated using the methods and eriteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00166 PROJECT LOCATION INFORMATION: State: New York County: Orange Center coordinates of site (latitude/longitude): lat:41-16-18.4080 lon:74-21-30.6720 Approximate size of area (parcel) reviewed, including uplands: 21.8 acres. Name of nearest waterway: Unnamed Tributary to Wawayanda Creek HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit(s) [X]Date(s): August 3, 2005 Jurisdietional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.85 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions,

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign eommerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands associated with unnamed tributary to Wawayanda Creek, which flows to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which

is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [X] the presence of litter and debris [X] changes in the character of soil [X] destruction of terrestrial vegetation [] shelving [] other:	[] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached we	tland delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain volume [] Water-filled depressions created in dry land incompared the purpose of obtaining fill, sand, or gravel un abandoned and the resulting body of water meet 328.3(a). [] Isolated, intrastate wetland with no nexus to interpretations.	the basis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of conds or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. It is an analysis and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or resmall ornamental bodies of water created water for primarily aesthetic reasons. It is identified to construction activity and pits exeavated in dry land for less and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR erstate commerce. Natural Resources Conservation Service. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERMINATION STATES [X] Maps, plans, plots or plat submitted by or on behaling [X] Data sheets prepared/submitted by or on behaling [X] Data sheets prepared by the delineation report, [X] This office does not concur with the delineation [X] Data sheets prepared by the Corps. [X] Corps' navigable waters' studies: [X] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic in [X] U.S. Geological Survey 7.5 Minute Historic quadraterial [X] U.S. Geological Survey 15 Minute Historic quadraterial [X] USDA Natural Resources Conservation Service Sotal [X] National wetlands inventory maps: Warwick, NY [X] State/Loeal wetland inventory maps: Warwick, NY [X] State/Loeal wetland inventory maps: Warwick, NY [X] The May [X] State/Indead Photographs (Map Name & Date): [X] Other photographs (Date): [X] Other photographs (Date): [X] Site visit/determination conducted on: August 3, 2 [X] Applicable/supporting case law: [X] Other information (please specify):	alf of the applicant. I

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00168 PROJECT LOCATION INFORMATION: State: New York County: Orange Center coordinates of site (latitude/longitude): lat:41-19-56.7480 lon:74-35-0.4200 Approximate size of area (parcel) reviewed, including uplands: 53.0485 acres. Name of nearest waterway: Unnamed Tributary to Rutgers Creek Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Site visit(s) [X]Date(s): August 3, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.9038 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands!. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions,

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include unnamed tributary to

Rutgers Creek, which flows to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
[X] Wetland houndaries as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
	tand domination map and of the domination report property by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	220()(1 0 4 7)
[] Unable to confirm the presence of waters in 33 CFI	
[] Headquarters declined to approve jurisdiction on the	
[] The Corps has made a case-specific determination t the United States:	hat the following waters present on the site are not Waters of
[] Waste treatment systems, including treatment po	and on language to 22 CED and 220 2
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is sthe definition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to inte	erstate commerce
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	
[] Other (explain):	d on dry land. Explain rationale,
[] Other (explain).	
DATA DEVIEWED FOR HIRIGARIAN DETERM	AINATION (more all that applicat
DATA REVIEWED FOR JURISDICTIONAL DETERM [X] Maps, plans, plots or plat submitted by or on behal	
[X] Data sheets prepared/submitted by or on behalf of	
[] This office concurs with the delineation report, of	
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m	
[] U.S. Geological Survey 7.5 Minute Historic quadran	
[] U.S. Geological Survey 15 Minute Historic quadrant	
[X] USDA Natural Resources Conscrvation Service Soi	l Survey: Orange County, NY
[X] National wetlands inventory maps: Unionville, NY-	·N1
[X] State/Local wetland inventory maps: Unionville, N	Y-NJ
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: August 3, 20	105
[] Applicable/supporting case law:	· · · · · · · · · · · · · · · · · · ·
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00215 PROJECT LOCATION INFORMATION: New Jersey State: County: Bergen Center coordinates of site (latitude/longitude): lat:40-49-24.9960 lon:74-4-45.0120 Approximate size of area (parcel) reviewed, including uplands: 2.3 mile linear alignment. Name of nearest waterway: Hackensack River Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date(s): June 28, 2005 and January 27, 2006 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: 49.81 acres. [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 49.81 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sbeet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairic potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The tidal wetlands on site are associated Berry's Creek, a tidal tributary to the Hackensack River.

Lateral Extent of Jurisdiction: (Reference: 33	CFR parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:

1	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
1	Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
•	[] clear, natural line impressed on the bank [] oil or scum line along shore objects
	[] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[] changes in the character of soil [] physical markings/characteristics
	[] destruction of terrestrial vegetation [] tidal gages
	[] shelving [] other:
	[] other:
г	VI Maon High Water Mark indicated by
L	X] Mean High Water Mark indicated by: [X] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[X] survey to available datum, [] physical markings, [] vegetation mics/changes in vegetation types.
_	X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Edward
a	nd Kelcey
F	Basis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	X] The Corps has made a case-specific determination that the following waters present on the site are not Waters of
L	the United States:
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[X] Isolated, intrastate wetland with no nexus to interstate commerce.
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	[] Other (explain):
	[1]
	TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
	X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
[2	X] Data sheets prepared/submitted by or on behalf of the applicant.
	[X] This office concurs with the delineation report, dated October 20, 2005, prepared by (company): Edwards and Keleey
	[] This office does not concur with the delineation report, dated , prepared by (company):
ſ	Data sheets prepared by the Corps.
Ī	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
	X] U.S. Geological Survey 7.5 Minute Topographic maps:Weehawken
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
-] 100-year Floodplain Elevation is: (NGVD)
	X] Aerial Photographs (Name & Date):
	X] Other photographs (Date):
	Advanced Identification Wetland maps:
	X] Site visit/determination conducted on: June 28, 2005 January 27, 2006
	Applicable/supporting case law:
	Other information (please specify):
L	1 ACTION MICHIGAN P. 1 47

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.c., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00428 PROJECT LOCATION INFORMATION: State: New York County: Orange Center coordinates of site (latitude/longitude): lat:41-30-56.9880 lon:74-23-44.0160 Approximate size of area (pareel) reviewed, including uplands: 53.52 acres. Name of nearest waterway: Unnamed Tributary to Dwaar Kill Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) [X]Date(s): August 23, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary ID is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10.65 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used

in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign eommerce, including all waters which are subject to the cbb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands'.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (eheck all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or eould be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate eommerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial scas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland includes unnamed tributary to Dwaar Kill, which flows to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[] shelving	
	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical marking	rs: [] vegetation lines/changes in vegetation types
[] survey to available datum, [] physical marking	s, [] vegetation fines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	
	hat the following waters present on the site are not Waters of
the United States:	the following waters present on the site are not waters of
Waste treatment systems, including treatment po	ands or lagoons, pursuant to 33 CER part 328 3
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	and the second test to the secon
[] Artificial reflecting or swimming pools or other	
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to inte	
[] Prior converted cropland, as determined by the I	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	AINATION (more all that analy)
[X] Maps, plans, plots or plat submitted by or on behal	
[X] Data sheets prepared/submitted by or on behalf of	
[] This office concurs with the delineation report, of	
[] This office does not concur with the delineation	report, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m	
[] U.S. Geological Survey 7.5 Minute Historic quadrar	ngles:
[] U.S. Geological Survey 15 Minute Historic quadran	
[X] USDA Natural Resources Conservation Service Soi	I Survey: Orange County, NY
[X] National wetlands inventory maps: Wurtsboro, NY	
[X] State/Local wetland inventory maps: Wurtsboro, N	Y
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Acrial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
	2005
[X] Site visit/determination conducted on: August 23, 2	CDU.
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2005-00546

PROJECT LOCATION INFORMATION:

State: New York County: Orange

Center coordinates of site (latitude/longitude): lat:41-18-49.2840 lon:74-13-15.5640

Approximate size of area (parcel) reviewed, including uplands: 4.98 acres.

Name of nearest waterway: Unnamed Tributary to Seely Brook

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date

Site visit(s) [X] Date(s): August 3, 2005

Jurisdietio	nal De	termina	tion i	(ID)	
JUJIJUILII	mai Di		LIVII	(UD)	٠.

[]	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.7 acres.
 - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

[] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [1(6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include intermittent unnamed tributary to Seely Brook, which flows to Moodna Creek, which flows to the Hudson River, which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	
	[X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:	
	[X] clear, natural line impressed on the bank [] oil or seum line along shore object	
	[X] the presence of litter and debris [] fine shell or debris deposits (forest	iore)
	[X] changes in the character of soil [] physical markings/characteristics	
	[] destruction of terrestrial vegetation [] tidal gages	
	[] shelving [] other:	
	[] other:	
	[] other.	
1	[] Mean High Water Mark indicated by:	
ı	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types	•
	[] survey to available datum, [] physical markings, [] vegetation intestitutinges in vegetation types	J.
[[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report	t prepared by:
]	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to eonfirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
_	[] The Corps has made a case-specific determination that the following waters present on the site are no	nt Waters of
L	the United States:	17 17 21013 01
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.	
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.	
	[] Artificial lakes and ponds ereated by excavating and/or diking dry land to collect and	
		. 1
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling	g basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created	
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in	
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation	
	abandoned and the resulting body of water meets the definition of waters of the United States four	nd at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to interstate commerce.	
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain r	ationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	[] Other (explain):	
	DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):	
	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.	
[[X] Data sheets prepared/submitted by or on behalf of the applicant.	
	[] This office concurs with the delineation report, dated , prepared by (company):	
	[] This office does not concur with the delineation report, dated , prepared by (company):	
[[] Data sheets prepared by the Corps.	
Í	[] Corps' navigable waters' studies:	
Ī	[] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic maps: Monroe, NY	
	[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	[] U.S. Geological Survey 15 Minute Historic quadrangles:	
	[X] USDA Natural Resources Conservation Service Soil Survey: Orange County, NY	
	[X] National wetlands inventory maps: Monroc, NY	
	[X] State/Local wetland inventory maps: Monroe, NY	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other phorographs (Date):	
	[] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: August 3, 2005	
	[] Applicable/supporting case law:	
[[] Other information (please specify):	

¹Wctlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00774 PROJECT LOCATION INFORMATION: State: New York County: Dutchess Center coordinates of site (latitude/longitude): lat:41-45-15.9840 lon:73-55-26.0040 Approximate size of area (parcel) reviewed, including uplands: 356 acres. Name of nearest waterway: Hudson River Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [X] Site visit(s) Date(s): August 2, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 59.85 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign eommerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹.

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on site are associated with an unnamed tributary to the Hudson River and the Maritje Kill, a tributary to the Hudson River.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	[X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank [] oil or scum line along shore objects
	[X] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[X] changes in the character of soil [] physical markings/characteristics
	[] destruction of terrestrial vegetation [] tidal gages
	[] shelving [] other:
	[] other:
	[] select.
	[] Mean High Water Mark indicated by:
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[] survey to available datum, [] physical markings, [] vegetation mes/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:
	[] The reviewed area consists entirely of uplands.
	[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	[X] The Corps has made a case-specific determination that the following waters present on the site are not Waters of
	the United States:
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by exeavating and/or diking dry land to retain water for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[X] Isolated, intrastate wetland with no nexus to interstate commerce.
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	[] Other (explain):
	[] Other (explain).
D.A	TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
	[X] Data sheets prepared/suhmitted by or on behalf of the applicant.
	[X] This office concurs with the delineation report, dated September 2004, prepared by (company): TRC Raymond Keyes
•	Associates
	[] This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
] U.S. Geologieal Survey Hydrologic Atlas:
	X] U.S. Geological Survey 7.5 Minute Topographic maps: Rhinebeck, Poughkeepsie
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	J U.S. Geological Survey 15 Minute Historic quadrangles:
] USDA Natural Resources Conservation Service Soil Survey:
] National wetlands inventory maps:
	1 State/Local wetland inventory maps:
] FEMA/FIRM maps (Map Name & Date):
] 100-year Floodplain Elevation is: (NGVD)
] Aerial Photographs (Name & Date):
	X] Other photographs (Date):
] Advanced Identification Wetland maps:
	[X] Site visit/determination conducted on:August 2, 2005
] Applicable/supporting case law:
	Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach duncs, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00817 PROJECT LOCATION INFORMATION: State: New York County: Dutchess Center coordinates of site (latitude/longitude): lat:41-38-44.4480 lon:73-48-21.1320 Approximate size of area (parcel) reviewed, including uplands: 13.93 acres. Name of nearest waterway: Unnamed Tributary to Sprout Creek Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) Date(s): September 13, 2005 [X]Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be na "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Cheek all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itselfa navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	ateral Extent of Jurisdiction: (Reference: 33 CFR p	arts 328 and 329)
[Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] ehanges in the eharacter of soil	[] physical markings/eharaeteristies
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
		[] onter.
	[] other:	
ſ.	Mean High Water Mark indicated by:	
L.	[] survey to available datum; [] physical markings.	[] vegetation lines/changes in vegetation types
	[] survey to avanable datum, [] physical markings.	[] vegetation files/changes in vegetation types.
[]	Wetland boundaries, as shown on the attached wetlar	nd delineation map and/or in a delincation report prepared by:
В	asis For Not Asserting Jurisdiction:	
	The reviewed area eonsists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR	part 328(a)(1 2 or 4-7)
	Headquarters deelined to approve jurisdiction on the	
		nat the following waters present on the site are not Waters of
F	the United States:	at the following waters present on the site are not waters of
	[] Waste treatment systems, including treatment pon	ds or lagoons, pursuant to 33 CFR part 328.3
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating a	
		uch purposes as stock watering, irrigation, settling basins, or
	rice growing.	ten purposes as stock statering, irrigation, setting busins, or
	Artificial reflecting or swimming pools or other s	mall ornamental hodies of water created
	by excavating and/or diking dry land to retain wa	
		ental to construction activity and pits excavated in dry land for
		ss and until the construction or exeavation operation is
		the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[X] Isolated, intrastate wetland with no nexus to inter	
		atural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated	on dry land. Explain rationale:
	[] Other (cxplain):	
рат	A REVIEWED FOR JURISDICTIONAL DETERM	INATION (mark all that annly).
	Maps, plans, plots or plat submitted by or on behalf	• • • •
	Data sheets prepared/submitted by or on behalf of the	
LA	[] This office concurs with the delineation report, da	
	[] This office does not concur with the delineation re	
r 3	Data sheets prepared by the Corps.	sport, dated , prepared by (company).
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	pl ar the Sur
	U.S. Geological Survey 7.5 Minute Topographic ma	
	U.S. Geological Survey 7.5 Minute Historic quadrang	
	U.S. Geological Survey 15 Minute Historic quadrang	
	USDA Natural Resources Conservation Service Soil S	Survey:
	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Datc):	
	100-year Floodplain Elevation is: (NGVD)	
[]	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on: September 13	, 2005
	Applicable/supporting ease law:	
	Other information (please specify):	
ιJ	(h.z-z- sh.:),	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2005-00823

PROJECT LOCATION INFORMATION:

State: New York County: Dutchess

Center coordinates of site (latitude/longitude): lat:41-36-24.0840 lon:73-49-15.3120

Approximate size of area (parcel) reviewed, including uplands: 29.08 acres.

Name of nearest waterway: Unnamed Tributary to Fishkill Creek

Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Site visit(s) [X] Date(s): September 27, 2005

Jurisdictional Determination (JD):

[] Preliminary JD) - Based on a	vailable informati	on, [] <i>there aj</i>	ppear to be (t	or) [] <i>there ap_l</i>	pear to be no "v	waters of the	ne
United	States" and/or	"navigable waters	of the United	l States" on tl	he project site.	A preliminary	JD is not	appealable
(Refere	nce 33 CFR pa	art 331).			•			

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.24 acres.
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands'.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish arc or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Wetlands flow into unnamed tributary to Fishkill Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR p	parts 328 and 329)
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	[] email
(1 vine	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings	: [] vegetation lines/changes in vegetation types
[] survey to available datam, [] physical markings	, [] regetation intersentinges in regetation types.
[X] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the	basis of 33 CFR part 328.3(a)(3).
[X] The Corps has made a case-specific determination the	hat the following waters present on the site are not Waters of
the United States:	•
[] Waste treatment systems, including treatment pon	ds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by excavating a	
	uch purposes as stock watering, irrigation, settling basins, or
ricc growing.	,,,,,
[] Artificial reflecting or swimming pools or other s	mall ornamental bodies of water created
by exeavating and/or diking dry land to retain wa	
	ental to construction activity and pits excavated in dry land for
	ss and until the construction or excavation operation is
	the definition of waters of the United States found at 33 CFR
[X] Isolated, intrastate wetland with πo nexus to interest.	rstate commerce
	atural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated	
[] Other (explain):	on dry land. Explain fationale.
[] Other (explain).	
DATA REVIEWED FOR JURISDICTIONAL DETERM	INATION (monte all that apply)
[X] Maps, plans, plots or plat submitted by or on behalf	
[X] Data sheets prepared/submitted by or on behalf of the	
[] This office concurs with the delineation report, da	
[] This office does not concur with the delineation r	eport, dated , prepared by (company):
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	77 10 7 11 2707
[X] U.S. Geological Survey 7.5 Minute Topographic ma	
[] U.S. Geological Survey 7.5 Minute Historic quadrang	
[] U.S. Geological Survey 15 Minute Historic quadrang	
[] USDA Natural Resources Conservation Service Soil 8	
[X] National wetlands inventory maps: Hopewell Junctic	
[X] State/Local wetland inventory maps: Hopewell Junct	tion, NY
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: September 27	, 2005
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delincated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.c., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2005-01154 PROJECT LOCATION INFORMATION: New York State: County: Westchester Center coordinates of site (latitude/longitude): lat:73-30-0.0000 lon:41-13-59.9880 Approximate size of area (parcel) reviewed, including uplands: 3.2 acres. Name of nearest waterway: Unnamed Tributary Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: April 21, 2006 Site visit(s) Date(s): [] Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, there appear to be "waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (eheek all that apply):

[](1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetland on the project site is adjacent to a unnamed tributary of the Hudson River.

	[] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/ehanges in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland	delineation map prepared by: Wet Soils LLC
	rice growing. [] Artificial reflecting or swimming pools or other sma by excavating and/or diking dry land to retain water [] Water-filled depressions created in dry land incidents the purpose of obtaining fill, sand, or gravel unless a	sis of 33 CFR part 328.3(a)(3). The following waters present on the site are not Waters of or lagoons, pursuant to 33 CFR part 328.3. Island if the irrigation eeased. For diking dry land to eollect and purposes as stock watering, irrigation, settling basins, or all ornamental bodies of water ereated for primarily aesthetic reasons. The construction activity and pits excavated in dry land for and until the construction or exeavation operation is definition of waters of the United States found at 33 CFR ecommerce.
DATA	[X] Maps, plans, plots or plat submitted by or on behalf of [] Data sheets prepared/submitted by or on behalf of the ap [] This office concurs with the delineation report, dated [] This office does not concur with the delineation report [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [X] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey 7.5 Minute Topographic maps: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] U.S. Geological Survey 15 Minute Historic quadrangles: [] USDA Natural Resources Conservation Service Soil Sur [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):	the applicant. oplicant. , prepared by (eompany): rt, dated , prepared by (company): :

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydrie soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-01250 PROJECT LOCATION INFORMATION: State New Jersey County: Hudson Center coordinates of site (latitude/longitude): lat:40-47-57.9840 lon:74-2-53.0160 Approximate size of area (parcel) reviewed, including uplands: 3.84 acres. Name of nearest waterway: Hackensack River Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) Date(s): December 6, 2005 [X] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.4 acres. [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.4 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may he susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate ar foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters of the United States on site include tidal emergent wetlands associated with Mill Creek, a tidal tributary to the Hackensack River.

Lateral Extent of Jurisdiction: (Reference: 33 CFR par	rts 328 and 329)
[] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
[] clear, natural line impressed on the bank] oil or scum line along shore objects
[] the presence of litter and debris] fine shell or debris deposits (foreshore)
] physical markings/characteristics
] tidal gages
	other:
[] other:	1 omer.
[] other.	
[X] Mean High Water Mark indicated by:	
[X] survey to available datum; [] physical markings;	
[X] Wetland boundaries, as shown on the attached wetland	d delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR p.	
[] Headquarters declined to approve jurisdiction on the ba	asis of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that	the following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment ponds	or lagoons, pursuant to 33 CFR part 328.3.
Artificially irrigated areas, which would revert to u	pland if the irrigation ecased.
[] Artificial lakes and ponds created by excavating and	d/or diking dry land to collect and
	h purposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other sm	all ornamental bodies of water created
by excavating and/or diking dry land to retain wate	
	tal to construction activity and pits excavated in dry land for
	and until the construction or excavation operation is
	e definition of waters of the United States found at 33 CFR
[] Isolated, intrastate wetland with no nexus to intersta	ate commerce.
Prior converted cropland, as determined by the Nati	
[] Non-tidal drainage or irrigation ditches excavated o	
Other (explain):	,
DATA REVIEWED FOR JURISDICTIONAL DETERMIN	ATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf o	
[X] Data sheets prepared/submitted by or on behalf of the	
	ed August 17, 2005, prepared by (company): Neglia Engineering
Associates.	
[] This office does not concur with the delineation rep	ort, dated , prepared by (eompany):
Data sheets prepared by the Corps.	, , , , , , , , , , , , , , , , , ,
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic maps	·Weehawken
[] U.S. Geological Survey 7.5 Minute Historic quadrangle	
[] U.S. Geological Survey 15 Minute Historic quadrangles	
[] USDA Natural Resources Conservation Service Soil Su	
[] National wetlands inventory maps:	ivey.
[] State/Loeal wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Acrial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on:December 6, 200	15
[] Applicable/supporting case law:	
[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like arc also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE FILE NUMBER:	NEW YORK DI 2005-01251	ISTRICT	(CENAN)
State: County: Center coordinates of Approximate size of	ON INFORMATION: New Jersey Bergen of site (latitude/longitude): Tarea (parcel) reviewed, interway: Hackensack River	cluding u	
JURISDICTIONAL Completed:	DETERMINATION Desktop determination Site visit(s)	[] [X]	Date: Date(s): December 6, 2005
Jurisdictional De	ermination (JD):		
United S] there appear to be (or) [] there appear to be no "waters of the he United States" on the project site. A preliminary JD is not appealable
[X] Approved JD Cheek all that		pealable a	action (Reference 33 CFR part 331).
			es" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area: 3.88 acres.
	vaters of the United States' ea. Approximate size of ju		ned by 33 CFR part 328 and associated guidanee) within the hal area:
			aters or wetlands" within the reviewed area. ory Bird Rule Information Sheet for Determination of No Jurisdiction.
A. Waters defined [X] The presence of in the past, or re-	of waters that are subject to may be susceptible for use	as "navigo the ebb to transpo	gable waters of the United States": and flow of the tide and/or are presently used, or have been used out interstate or foreign commerce.
[X] (1) The present interstate or [] (2) The present sandflats, we destruction of [] (ii) who follows: [] (4) Impoundme [X] (5) The present [] (6) The present interstate or interstate or fill of the present int	ce of waters, which are cu foreign eommerce, includ- te of interstate waters inclu- te of other waters such as in etlands, sloughs, prairie po of which eould affect inter- tich are or eould be used born which fish or shellfish which are or could be used ints of waters otherwise det ce of a tributary to a water te of territorial seas.	irrently us ing all wa iding inter intrastate tholes, we state coming y interstal are or con- for indust fined as we r identifie	lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): te or foreign travelers for recreational or other purposes. all be taken and sold in interstate or foreign commerce. trial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site includes a portion of Berry's Creek, with associated tidal wetlands.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	
[] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:	
[] elear, natural line impressed on the bank [] oil or seum line along shore objects	
[] the presence of litter and debris [] fine shell or debris deposits (foreshore)	
[] changes in the eharaeter of soil [] physical markings/eharacteristics	
[] destruction of terrestrial vegetation [] tidal gages	
[] shelving [] other:	
[] other:	
[X] Mean High Water Mark indicated by: [X] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.	
[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report pre	pared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
[] The Corps has made a case-specific determination that the following waters present on the site arc not Wa	ters of
the United States:	
[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.	1
[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.	
[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and	
retain water and which are used exclusively for such purposes as stock watering, irrigation, settling has	ins, or
rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created	
by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
[] Water-filled depressions created in dry land incidental to construction activity and pits exeavated in dry	land for
the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation i	
abandoned and the resulting body of water meets the definition of waters of the United States found at 328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate commerce.	
[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain ration	ale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):	
[X] Maps, plans, plots or plat submitted by or on behalf of the applicant. [X] Data sheets prepared/submitted by or on behalf of the applicant.	
[X] This office coneurs with the delineation report, dated September 2005, prepared by (company): Parson	s Brinkarhaff
Quade and Douglas, Inc.	5 Dillikemon
[] This office does not concur with the delineation report, dated , prepared by (company):	
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
[] U.S. Geological Survey 7.5 Minute Topographic maps:Weehawken	
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[] USDA Natural Resources Conservation Service Soil Survey:	
National wetlands inventory maps:	
State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on:December 6, 2005	
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river herms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-01330 PROJECT LOCATION INFORMATION: State: New Jersey County: Hudson Center coordinates of site (latitude/longitude): lat:40-39-56.4120 lon:74-4-23.4120 Approximate size of area (parcel) reviewed, including uplands: 570 acres. Name of nearest waterway: Upper New York Bay NEW YORK HARBOR Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or forcign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located adjacent to the Port Jersev Channel of Upper New York Bay, which is a tributary of New York Harbor. All of the waterways are tidal and are considered navigable.

Lateral Extent of Jurisdiction: (Reference: 3: [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] ehanges in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	[] High Tide Line indicated by:
[X] Mean High Water Mark indicated by: [] survey to available datum; [X] physical	markings; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached	ed wetland delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatr [] Artificially irrigated areas, which would in the state of the state of the systems and points created by exception of the systems are tain water and which are used exclusive rice growing. [] Artificial reflecting or swimming pools of by excavating and/or diking dry land to recommend to the systems of the purpose of obtaining fill, sand, or grated abandoned and the resulting body of water 328.3(a). [] Isolated, intrastate wetland with no nexus	33 CFR part 328(a)(1, 2, or 4-7). In on the basis of 33 CFR part 328.3(a)(3). Ination that the following waters present on the site are not Waters of ment ponds or lagoons, pursuant to 33 CFR part 328.3. Inverse to upland if the irrigation ceased, avating and/or diking dry land to collect and ely for such purposes as stock watering, irrigation, settling basins, or or other small ornamental bodies of water ereated etain water for primarily aesthetic reasons. Indicidental to construction activity and pits exeavated in dry land for wel unless and until the construction or excavation operation is er meets the definition of waters of the United States found at 33 CFR
[] Non-tidal drainage or irrigation ditches ex [] Other (explain):	ccavated on dry land. Explain rationale:
[X] Maps, plans, plots or plat submitted by or o Data sheets prepared/submitted by or on behing and plats office concurs with the delineation of This office does not coneur with the deling Data sheets prepared by the Corps. [Corps' navigable waters' studies: [U.S. Geological Survey Hydrologic Atlas: [U.S. Geological Survey 7.5 Minute Topogram U.S. Geological Survey 7.5 Minute Historical U.S. Geological Survey 15 Minute Historical U.S. Geological U.S. Geological Survey 15 Minute Historical U.S. Geol	n behalf of the applicant. alf of the applicant. eport, dated , prepared by (company): neation report, dated , prepared by (company): ohic maps: quadrangles: quadrangles: ce Soil Survey:
[] Other information (please specify):	

DATA

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, eontiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: FILE NUMBER:	NEW YORK DISTRICT (CENAN) 2006-00311					
PROJECT LOCATION	INFORMATION:	,				
State:	New Jersey					
County:	Hudson					
	tes of site (latitude/longitude): lat:40-	40-12.0000 lon:74-6-15.0120			
Approximate si	ze of arca (parcel) reviewed,	including	uplands: 570 aercs.			
	t waterway: New York Harb					
Name of waters	hed: NEW YORK HA	RBOR				
JURISDICTIONAL DE	TERMINATION					
Completed:	Desktop determination	[]	Date:			
D	Site visit(s)	[]	Date(s):			
Jurisdictional l	Determination (JD):					
United State			[X] there appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable			
[] Approved JI Check all th		ealable ac	etion (Reference 33 CFR part 331).			
	"navigable waters of the Un e reviewed area. Approxima		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area: .			
	"waters of the United States area. Approximate size of ju		ned by 33 CFR part 328 and associated guidance) within the nal area:			
			aters or wetlands" within the reviewed area. By Bird Rule Information Sheet for Determination of No Jurisdiction.			
BASIS OF JURISDICTI	ONAL DETERMINATION	:				
			gable waters of the United States":			
			and flow of the tide and/or are presently used, or have been used			
			ort interstate or foreign commerce.			
B. Waters defin	ned under 33 CFR part 328	.3(a) as "	waters of the United States":			
			sed, or were used in the past, or may be susceptible to use in			
			iters which are subject to the ebb and flow of the tide.			
	ence of interstate waters inclu					
· · · -		-	lakes, rivers, streams (including intermittent streams), mudflats,			
			et meadows, playa lakes, or natural ponds, the use, degradation or			
·			merce including any such waters (check all that apply):			
			te or foreign travelers for recreational or other purposes.			
			uld be taken and sold in interstate or foreign commerce.			
			trial purposes by industries in interstate commerce.			
	ments of waters otherwise de					
	sence of a tributary to a wate					
	ence of territorial seas.					
[] (7) The prese	ence of wetlands adjacent2 to o	other wate	rs of the US, except for those wetlands adjacent to other wetlands.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The subject wetlands are tidal and are associated with New York Harbor.

	ateral Extent of Jurisdiction: (Reference: 33 CFR p	•
[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the eharacter of soil	[] physical markings/characteristics
	destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
	[] other:	[] 0
	[] direct.	
[)	[] Mean High Water Mark indicated by:	
	[X] survey to available datum; [] physical marking	s; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetland ngineering, Inc.	delineation map and/or in a delineation report prepared by: LGA
В	asis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the	
		at the following waters present on the site are not Waters of
	[] Waste treatment systems, including treatment pon	de or lagoone pursuant to 33 CER part 328 3
	Artificially irrigated areas, which would revert to	• • • •
	[] Artificial lakes and ponds created by excavating a	
		uch purposes as stock watering, irrigation, settling basins, or
	rice growing.	11
	[] Artificial reflecting or swimming pools or other s	
	by excavating and/or diking dry land to retain wa	
		ental to construction activity and pits excavated in dry land for
		ss and until the construction or excavation operation is
	abandoned and the resulting body of water meets	the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to inter	state commerce.
		atural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches exeavated	
	[] Other (explain):	on any tand. Displant rationals.
	[] Other (explain).	
DATA REV	VIEWED FOR JURISDICTIONAL DETERMINATI	ON (mark all that apply):
[X	[] Maps, plans, plots or plat submitted by or on behalf	of the applicant.
	Data sheets prepared/submitted by or on behalf of the	··
L -		ed March 6, 2006, prepared by (company): LGA Engineering, Inc.
	[] This office does not concur with the delineation r	
г	Data sheets prepared by the Corps.	cport, dated , propared by (company).
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologie Atlas:	
	U.S. Geological Survey 7.5 Minute Topographie ma	
	U.S. Geological Survey 7.5 Minute Historic quadrang	
	U.S. Geologieal Survey 15 Minute Historic quadrang	
	USDA Natural Resources Conservation Service Soil	Survey:
[]	National wetlands inventory maps:	
[]	State/Local wetland inventory maps:	
[]	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
	Acrial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on: June 8, 2004	
	Applicable/supporting case law:	
[]	Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.